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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,926	08/23/2001	Thomas Welsh	195-01	1408

7590 04/27/2004

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Philadelphia, PA 19103

EXAMINER
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HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/935,926

Applicant(s)

WELSH ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3, 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

Claims 3 and 5-8 are pending. Claims 1-2 and 4 have been withdrawn or cancelled.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 3 and 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

As to claim 8, the recited paths of travel for the pawl are a misdescription of Applicant's invention. In claim 8, Applicant recites, "a pawl mounted for substantially linear motion" in line 5. However, the drawings clearly show that this is physically impossible. The pawl 140 has a pin 160 passing through a rear aperture 148, and a pin 150 passing through a front aperture 150. Additionally, the pin 160 passes through the slot 141 (in the carriage), and the pin 150 passes through the slot 139 (also in the carriage). Because the front and rear portions of the pawl 140 are limited to movement within these defined slots, there is no possible manner wherein the pawl 140 can move linearly. For example, as the rear portion and pin 160 of the pawl 140 moves across the horizontal slot 341, the front portion and pin 150 of the pawl 140 rides up/down the sloped slot 339. Therefore, this difference between the rise of the front and rear portions of the pawl allows the pawl to move rotationally and never linearly. Applicant then recites in the last two lines of claim 8 that "the pawl is mounted to travel in a second path in a direction substantially perpendicular to the first path between the intermediate position and the closed

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position.” This is also physically impossible. Clearly, the front of the pawl can only travel in a sloped path defined by slot 139. Furthermore, even if the pin 160 travels through the perpendicular paths of slot 141, the entire pawl cannot mimic the motion of pin 160 because the front and rear portions of the pawl travel very different paths. For purposes of examination, it will be assumed that Applicant intends to convey that a portion of the pawl follows the claimed series of motions, and not the entire pawl as claimed. Claims 3 and 5-7 depend from claim 8.

As to claim 6, the recited carriage mounted for linear motion within the housing is also a misdescription. The carriage 130 is held in place by the housing 20. For purposes of examination, it will be assumed that Applicant intends to convey that the carriage provides linear motion to a portion of the pawl by restricting movement in an L-shaped slot.

Appropriate correction of the indefinite claim language is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 3 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by  
Bourne US5984382.**

As to claim 8, Bourne discloses a linear compression latch comprising: a housing 15; a lever handle 34 rotatable by an operator between a first position (shown only in Figure 3) and a second position (shown only in Figure 4), the lever handle being mounted in the housing; a pawl (portion) 16,22 mounted for substantially linear motion (see the rejection under 35 U.S.C. 112

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above; the portion of the pawl mounted for substantially linear movement between Figures 3 and 4 is the portion 27), the pawl (portion) being actuated by rotation of the lever handle and traveling substantially linearly between an open position to a closed position as the lever handle is rotated between the first position to second position; wherein the pawl (portion) is mounted to travel between the open position along a first path (shorter segment of slot 33; see Figure 3) and an intermediate position (the angle between the segments of slot 33); and wherein the pawl (portion) is mounted to travel in a second path (longer segment of slot 33; see Figure 4) in a direction substantially perpendicular to the first path between the intermediate position and the closed position.

As to claim 3, Bourne discloses, wherein the first path is linear.

As to claim 5, Bourne discloses, wherein the second path is linear.

As to claim 6, Bourne discloses, further comprising a carriage 32, the carriage being mounted for linear motion (of the pawl portion 27; see the rejection under 35 U.S.C. 112 above) within the housing, the pawl (portion) being mounted within the carriage.

As to claim 7, Bourne discloses, further comprising connection means 26 for rotatably connecting the lever handle and the pawl.

### ***Response to Arguments***

Applicant's arguments with respect to claims 3 and 5-8 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH

  
**JJ Swann**  
Supervisory Patent Examiner  
Technology Center 3600